

OKLAHOMA FUNERAL BOARD  
3700 North Classen Blvd, Suite 175  
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street  
Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

DATE & TIME: December 8, 2022 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on December 6, 2022 at 9:30AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to [info@funeral.ok.gov](mailto:info@funeral.ok.gov).

\*\*\* This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the November 10, 2022 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA
4. Oklahoma Insurance Department Update from a Representative of OID
5. Review complaints with possible vote for probable cause or other action

23-04 – Next of Kin Issues

23-07 – Providing False Information to the Board

23-13 – Pre-Need and DC Issues

23-18 – Next of Kin and DC Issues

23-23 – Body Intake Log issues

23-25 – Messy Prep Room

6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 19-36 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Member Vice needs to be recused.

6B. Complaint 20-39 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC,

Enid. Member Vice needs to be recused.

- 6C. Complaint 21-55 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Member Vice needs to be recused.

## 7. Matters for consideration: Motion to Dismiss

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

- 7A. Complaint 20-14 Schaudt's Glenpool Funeral Serv. & Cremation Care, Establishment, Glenpool; Cremation Care Centers, Crematory, Glenpool; Schaudt's Glenpool Funeral Service Inc., Owner, Glenpool; Daniel Schaudt and Stephen Schaudt, FDIC, Glenpool. Member Vice needs to be recused.

7B. Complaint 20-16 Schaudt's Glenpool Funeral Serv. & Cremation Care, Establishment, Glenpool; Cremation Care Centers, Crematory, Glenpool; Schaudt's Glenpool Funeral Service Inc., Owner, Glenpool; Daniel Schaudt and Stephen Schaudt, FDIC, Glenpool. Member Vice needs to be recused.

7C. Complaint 23-05 Oklahoma Cremation Centers, Crematory, Glenpool; Schaudt's Family Funeral Service LLC, Owner, Glenpool; Lane Pilkington, FDIC, Okmulgee; Member Vice needs to be recused.

8. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Jessica Ramirez, Purcell, Wadley FS, Purcell
2. Madison Brock, Pryor, Smith & Kernke, OKC
3. Sarah Brown, Bartlesville, Stumpff FH, Bartlesville
4. Benjamin Young, Purcell, Wilson-Little FH, Purcell

B. Apprenticeship (1st extension)

1. Matthew Taylor, Bartlesville, Davis Family FH, Bartlesville
2. Chad Kaminski, Ada, Criswell FH, Ada
3. Yobana Cordoba, Edmond, Advantage FH, OKC
4. Mackenzie Parks, (EM Only), OKC, OMS, OKC
5. Jonathan Bland, Yukon, McNeils, Mustang

C. Apprenticeship (2nd extension)

1. Andrew Haire, Vinita, Highsmith FH, Vinita

D. Funeral Director and/or Embalmer (Reciprocal)

1. Kyle Dungan, Texas
2. Richard Kelley Dixon, North Carolina (EM Only)
3. Stuart Thompson, Texas
4. Desirae Davis, Iowa (EM Only)
5. April Bellotte, Texas (EM Only)

E. Funeral Director and/or Embalmer (Original)

1. Cadyn Brice, Enid
2. Paige Goodman, OKC
3. Sean DeNike, McAlester (FD Only)
4. Edward Eschiti, Walters (FD Only)
5. Rulon Davis Sr, Edmond (FD Only)
6. Jennifer Pointer, Durant (FD Only)

F. Establishments

1. Ladusau-Evans Funeral Home, Enid request name change to Ladusau-Evans Funeral Home and Crematory

G. Crematories

1. McElyea & Owens Cremation Services, New Crematory, Shawnee, McElyea-Owens Funeral Group LLC, Owner, Michael McElyea, FDIC
2. Crematory of Enid, New Crematory, Enid, Crematory of Enid, LLC, Owner, Joe Highberger, FDIC

9. New Business. Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
10. Executive Director's Report
  - A. Agency Financial Update
11. Discussion and possible action regarding request for interpretation of Board Rule
12. Adjournment

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Tyler Stiles, MBA  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:  
January 12, 2023. Office of Chief Medical Examiner –OKC 921 N.E. 23<sup>rd</sup> Street  
Conference Room – 1<sup>st</sup> Floor Oklahoma City, OK 73105.



## MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD  
3700 N. Classen, Suite 175  
Oklahoma City, Oklahoma 73118

November 10, 2022

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### BOARD MEMBERS

Tom Coble  
Darin Corbett  
Joe Highberger  
Brent Matherly  
Jim Roberts  
Mike Sanders  
Chad Vice

### STAFF

Rochelle Covington  
Tyler Stiles  
Dustin Watters  
Kylie Cooper, AAG  
Liz Stevens, AAG

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MEETING PLACE: MEETING PLACE: Videoconference at  
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>  
If calling in by telephone please call 1-408-418-9388; Access Code 1260612143.  
If attending in person at the physical location: Office of Chief Medical  
Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> Floor  
Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on November 7, 2022 at 1:30PM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

Vice-President Matherly called the meeting to order at 10:00AM. Members Coble, Corbett, Highberger, Matherly, and Vice were present. Members Roberts and Sanders were not present. A quorum was always present

Motion by Vice second by Highberger to approve the October 13, 2022 Regular Board meeting minutes. The motion passed unanimously with member Coble abstaining.

Dustin Pierce with OKFDA provided the following update: Last Call CE- December 4<sup>th</sup> and 5<sup>th</sup> at Barnes Friederich Funeral Home. 6 hours of CE Each day. OKFDA launched their new website and management software. OKFDA.com

OID did not provide an update.

Motion by Highberger second by Coble to find probable cause complaint 23-14 regarding No Pricing on Caskets. The motion passed unanimously.

Motion by Highberger second by Corbett to dismiss complaint 23-15 with a letter of concern regarding Not Paying Vendor. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 23-17 regarding Preneed Issues. The motion passed unanimously.

Motion by Vice second by Highberger to dismiss complaint 23-19 with a letter of concern regarding Not Paying Vendor. The motion passed unanimously

Motion by Highberger second by Vice to dismiss complaint 23-20 with a letter of concern regarding next of kin issues. The motion passed unanimously

Motion by Highberger second by Corbett to dismiss complaint 23-21 regarding Preneed Issues. The motion passed unanimously.

Motion by Vice second by Coble to dismiss complaint 23-22 regarding Next of Kin Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-25 Alternatives Cremation & Funeral Service, Establishment, Cordell; Varner Professional Services LLC, Owner, Cordell; Richard Varner , FDIC, Cordell. Respondents appeared in person. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Highberger, and Vice heard the case. Member Matherly was recused from the case and he left the room.



After the presentation of the agreed upon Consent Order, motion by Highberger second by Corbett to accept the Consent Order. The consent order consisted of the following: The agreed violations were: unlicensed establishment, providing inaccurate or misleading information, violation of the Funeral Service Licensing Act, and Rules of the Board. The agreed violations were: unlicensed practice, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$7,500, 12 hours of CE, 2 years of probation, Restitution of \$811.39, and Costs of \$500. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-38 Oklahoma Mortuary Trade Service, Establishment, OKC; Oklahoma Mortuary Trade Service LLC, Owner, OKC; John Astle, FDIC, Mustang; Mackenzie Parks, OKC. John Astle appeared in person. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Coble, Corbett, Highberger, and Vice heard the case. Member Matherly was recused from the case and he was already out of the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Coble to accept the Consent Order. The consent order consisted of the following: The agreed violations were: unlicensed apprentice participating in embalming, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$7,500, 12 hours of CE, 2 years of probation and Costs of \$500. The motion passed unanimously.

Member Matherly reentered the room.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (Original) Trysta Kershner, Anadarko, Ray & Marthas FH Anadarko; Patricia Smith, Mounds, Lawton-Ritter-Gray FH, Lawton; Jessica Brewer, Holdenville, Williamson-Spradlin, Wetumka; Patrick Griffin, Broken Arrow, Hayhurst FH, Broken Arrow; Abigail Kuhlman, Stillwater, Brown Dugger FH, Perry; Samantha Jacoben, OKC, Buchanan FS, OKC; Blake Frost, Checotah, Garrett Family FH, Checotah. The motion passed unanimously.

Motion by Matherly second by Highberger to deny the following: Apprenticeship (1st Extension) Jeffery Wright, Spencer, McKay Davis, OKC. The motion passed unanimously.

Motion by Matherly second by Coble to table the following: Apprenticeship (1st Extension) Matthew Taylor, Bartlesville, Davis Family FH, Bartlesville. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension). Landis Thompson, Broken Arrow, Palmer Marler FH, Cushing; Amy Kinsey, Pryor, Rice FS, Claremore; Rachel Harris, Edmond, Barnes Friederich FH, MWC; Sarah Blank, Edmond, Corbett, OKC. The motion passed unanimously.

Motion by Matherly second by Coble to table the following: Funeral Director and/or Embalmer (Reciprocal), Kyle Dungan, Texas; Richard Kelley-Dixon, North Carolina (EM Only); Stuart Thompson, Texas; Desirae Davis, Iowa. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original) Cadyn Brice, Enid. The motion passed unanimously.

Motion by Matherly second by Coble to approve the following: Funeral Director and/or Embalmer (Original) Amberlyn Campbell, Chandler. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Paige Goodman, OKC. The motion passed unanimously.

Motion by Matherly second by Coble to approve the following: Funeral Director and/or Embalmer (Original) Kelsie Drake, Bixby (EM Only). The motion passed unanimously.

Motion by Matherly second by Vice to approve the following: Establishments, Don Smith FH, Drumright, request to close establishment.; Shipman's Funeral & Cremation, Pryor, request to change FDIC from Steve Shipman to Christina Shipman; Trout Funeral Home, Blackwell, request to close establishment; Dighton Moore FS, Owasso, request for additional 90 days for temporary FDIC change from John Irby to Preston McCurtain. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Crematories, McElyea and Owens Funeral Group Cremation Center, New Crematory, Shawnee, McElyea-Owens Funeral Group LLC, Owner, Michael McElyea, FDIC. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following:  
Crematories, Shipman's Crematory, Pryor, request to change FDIC from Steve Shipman to Christina Shipman. The motion passed unanimously.

There was no New Business

Executive Director's Report- 2023 License Renewals- 2023 license renewals have been sent out for establishments. Individual renewals will be done online and a letter has been sent out with instructions to the Funeral Board website.

Agency Financial update- Mr. Stiles reported gross receipts for October 2022 to be \$15,055.00 with \$755.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$36,966.45 and net income after expenses totaled -\$22,666.95

Motion by Corbett second by Highberger to Change of age requirement for licensure as FD and/or EM from 20 to 18 in Statute. The motion passed 4-1 with Members Coble, Corbett, Highberger, and Matherly voting Aye. Member Vice voting Nay.

Motion by Highberger second by Corbett to Change of Education requirement for licensure in Board Rules. The motion passed 4-1 with Members Coble, Corbett, Highberger, and Matherly voting Aye. Member Vice voting Nay.

Motion by Highberger second by Corbett to Change of FDIC mileage from 60 miles to 90 miles in Board Rules. The motion passed unanimously.

Motion by Highberger second by Matherly to table interpretation of Board Rule OAC 235:10-3-3, request by David Stumpff

Motion by Highberger second by Coble to adjourn the meeting at 10:45AM. The motion passed unanimously.

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Jim Roberts  
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD**

**IN THE MATTER OF THE COMPLAINT** )  
**AGAINST:** )

**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

**Establishment License Number 1709ES,** )

**Location:** 2420 North Washington )

Enid, OK 73701 )

**Mailing Address:** 2420 N. Washington )

Enid, OK 73701 )

**Owned by:** Amy Stittsworth Funeral Serv. )

& Cremation Directors, Inc., )

Amy Stittsworth, Service Agent )

1314 W. Elm )

Enid, OK 73703 )

**WILLIAM STITTSWORTH, JR.** )

**Licenses:** 2357FD and 2500EM, )

**Address:** 1314 W. Elm )

Enid, OK 73703 , )

**A Licensed Funeral Director and Embalmer,** )

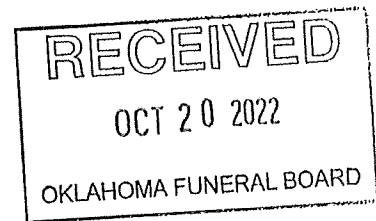
**And Funeral Director in Charge of** )

**AMY STITTSWORTH FUNERAL SERV.** )

**& CREMATION DIRECTORS, INC.** )

Respondents. )

**Complaint No. 19-36**



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. (“FUNERAL HOME”) is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. (“STITTSWORTH”) is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment’s legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On March 20, 2019, the Board received a complaint from the Investigator for the Oklahoma Funeral Board alleging the Respondents had wrongfully charged consumers an additional fee for clerical and administrative services for submitting documentation for reimbursement of certain Statements of Goods and Services to the Oklahoma Crime Victims Compensation Board, and that such additional charge was not included on the Respondent’s Statements of Goods and Services.

5. On March 20, 2019, the Board issued a letter of notification requesting that the Respondents submit a response to the Complaint. On April 5, 2019, the Respondents submitted as response, through their attorney, W. A. Drew Edmondson of Riggs Abney, which in relevant part contends:

“1. The \$300 Victims Compensation assignment fee was not for completing paperwork. It was a fee charged when the general policy of ‘All payments are due at the time of arrangements’ is waived for the purpose of allowing a family to pursue victims compensation funeral payment. In those rare cases, payment is at best delayed for up to a year and in a worst-case situation, may not be paid at all if the claim is denied by the Victims Compensation Board. This fee is atypical and is fully explained at the time arrangements are made. It is not on the general price list because it is so rarely an issue, but if the Board believes it should be listed on all form and is required by Board or FTC rule, please so advise.”

6. This matter was presented to the Board on July 9, 2020 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

7. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
  - (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;
2. Pursuant to 59 O.S. § 396.12C(14), the Board can refuse to issue or renew, or may revoke or suspend any license for “failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a);

3. Oklahoma Administrative Procedures Act ("OAC") 235:10-7-2(26)(b)(i) requires, "A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission."

4. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. Section 396.12(C). "Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge."

59 O.S. Section 396.2(12). The " 'Funeral director in charge' means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board".

5. Respondents violated OAC 235: 10-7-2(4)(B) and (C), which requires a licensee to provide an itemized, accurate statement of goods and services provided. Further, "if prices are not known or reasonably ascertainable, a good faith estimate shall be given and a statement of the actual charges shall be provided before the final bill is paid; and the total cost of the goods and services." The statement of goods and services at issue included a \$500 "victim compensation assessment," which was listed after the total. The immediate next line reflects the added fee, showing the increased total. According to the statement provided by Respondents, they then billed the State Victim's Compensation Fund the increased amount. It appears this fee was added simply because the decedent was the victim of a crime and Respondents were seeking reimbursement.

6. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### AUTHORIZED PENALTIES

The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

1. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

2. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).



apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

#### MEETING PLACE:

**In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

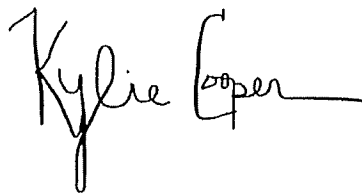
The Board asks that only the Respondents use the video camera function.

**Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

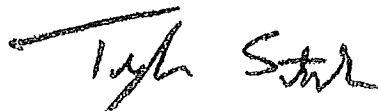
**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703

W.A. Drew Edmondson, Esq.  
Riggs Abney  
528 NW 12<sup>th</sup> Street  
Oklahoma City, OK 73103-2407



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Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT AGAINST:**

**SCHAUDT'S GLENPOOL FUNERAL  
SERV. & CREMATION CARE**

A Licensed Funeral Establishment,  
Establishment License # 1557ES  
719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

**CREMATION CARE CENTERS**

License: 44CM  
719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

owned by:

**SCHAUDT'S GLENPOOL  
FUNERAL SERVICE, INC.**

719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

**STEPHEN SCHAUDT**

Licenses: 3071FD and 3451EM,

**DANIEL SCHAUDT**

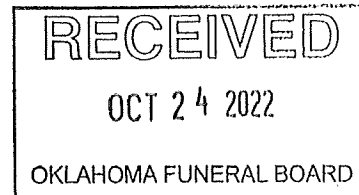
Licenses: 2849FD and 3230EM,

Address: 719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**SCHAUDT'S FUNERAL HOME,**

**Complaint No. 20-14**



**Respondents.**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that

the Respondents, STEPHEN SCHAUDT AND DANIEL SCHAUDT, individually and d/b/a SCHAUDT'S FUNERAL SERVICE & CREMATION CARE (collectively, "Respondents"), have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

### **JURISDICTION**

1. Respondents STEPHEN SCHAUDT ("Schaudt") and DANIEL SCHAUDT ("D. Schaudt") own and operate a business, SCHAUDT'S FUNERAL SERVICE & CREMATION CARE ("Schaudt's"), located at 719 E 141 St, Glenpool, Oklahoma 74033.

2. Respondent Schaudt's also conducts business as CREMATION CARE CENTERS ("Cremation Care") under a domestic trade name filed with the Oklahoma Secretary of State. Schaudt's address for the domestic trade name filing is 719 East 141<sup>st</sup> Street, Glenpool, Oklahoma 74033.

3. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

### **FACTUAL ALLEGATIONS**

4. On September 12, 2019, another Funeral Home filed a complaint regarding Schaudt's advertising of their Cremation Care Center.

5. Schaudt's Glenpool Funeral Service and Cremation have the same address as Cremation Care Center. They are both located at 719 East 141<sup>st</sup> Street in Glenpool, Oklahoma. Schaudt's operates a website at [schaudtfuneralservice.com](http://schaudtfuneralservice.com). Cremation Care's website is [greencountrycremation.com](http://greencountrycremation.com).

6. Cremation Care does not maintain an establishment license for the location at 719 East 141<sup>st</sup> Street.

7. On September 12, 2019, another Funeral Home filed a complaint with the Board, alleging that Respondents were operating a crematory without a valid establishment license in violation of 59 O.S. § 396.12(C). Further, alleging that Respondents are advertising under a different name than the one that is licensed, in violation of 59 O.S. § 396.12 (B). The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on September 16, 2019.

8. Respondents, by and through their attorney, filed their response with the Board on September 26, 2019. Respondents confirmed that they do not have a separate establishment license, that they operate Schaudt's and Cremation Care, and confirmed that greencountrycremation.com was the website for Cremation Care. Respondents state that they were granted a crematory license, 44CM, by the board. Respondents state that because they have never held Cremation Care out to be a "funeral establishment," they are not in violation of any rules.

9. By public vote during the meeting on September 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

10. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

11. Respondents violated 59 O.S. § 396.12(A), (B), and (C), by "holding forth by word or act that the person is engaged in the profession of undertaking or funeral directing shall be deemed as a funeral establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act." Further, "a funeral establishment... shall advertise itself by the name that the establishment is licensed as." Respondents are operating a website,

greencountrycremation.com, for their Cremation Care Center, while alleging that it is a trade name owned by Schaudt's. Cremation Care Center simultaneously argues that they do not need to obtain anything more than a crematory license, because they operate under licenses held by Schaudt's.

12. Respondents violated O.A.C. 235:10-7-2(17), (26)(b)(i), (26)(d)(v), and (26)(d)(vi), by falsely advertising and materially misrepresenting Cremation Care Centers as an online, direct cremation business, open to the public. Under Title 59, Sections 396.12c(A)(4) and (17), engaging in "[f]alse or misleading advertising as a funeral director" and "[v]iolating [59 O.S. § 396.12(B)] regarding advertisement of services at locations not licensed by the Board" subjects Respondents to discipline. Likewise, the Rules prohibit "[t]he use of false or misleading advertising." O.A.C. 235:10-7-2(17). Moreover, licensees are required to "be honest and trustworthy in the performance of all duties and work performed . . . and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission." O.A.C. 235:10-7-2(26)(b)(i). Indeed, "[a] licensee shall not provide information he or she knew or should have known was inaccurate, deceitful, or misleading to the Board or a consumer" and "shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud." O.A.C. 235:10-7-2(26)(d)(v) and (vi).

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

#### **AUTHORIZED PENALTIES**

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related

violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).



**In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

**Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

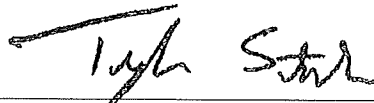
**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as follows:

**BY CERTIFIED MAIL:**

Carter A. Fox  
1515 E. 71<sup>st</sup> St, Suite 200  
Tulsa, OK 74136  
[cfox@law-lsl.com](mailto:cfox@law-lsl.com)

*Attorney for Respondents*

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

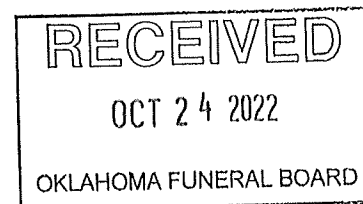
Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT AGAINST:**

**SCHAUDT'S GLENPOOL FUNERAL** )  
**SERV. & CREMATION CARE** )  
A Licensed Funeral Establishment, )  
Establishment License # 1557ES )  
719 E. 141<sup>st</sup> Street )  
Glenpool, OK 74033 )  
)  
**CREMATION CARE CENTERS** )  
License: 44CM )  
719 E. 141<sup>st</sup> Street )  
Glenpool, OK 74033 )  
)  
owned by: )  
**SCHAUDT'S GLENPOOL** )  
**FUNERAL SERVICE, INC.** )  
719 E. 141<sup>st</sup> Street )  
Glenpool, OK 74033 )  
)  
**STEPHEN SCHAUDT** )  
Licenses: 3071FD and 3451EM, )  
**DANIEL SCHAUDT** )  
Licenses: 2849FD and 3230EM, )  
Address: 719 E. 141<sup>st</sup> Street )  
Glenpool, OK 74033 )  
)  
A Licensed Funeral Director and Embalmer )  
and the Funeral Director in Charge at )  
)  
**SCHAUDT'S FUNERAL HOME,** )

**Complaint No. 20-16**



**Respondents.**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that

the Respondents, STEPHEN SCHAUDT AND DANIEL SCHAUDT, individually and d/b/a SCHAUDT'S FUNERAL SERVICE & CREMATION CARE (collectively, "Respondents"), have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

### **JURISDICTION**

1. Respondents STEPHEN SCHAUDT ("Schaudt") and DANIEL SCHAUDT ("D. Schaudt") own and operate a business, SCHAUDT'S FUNERAL SERVICE & CREMATION CARE ("Schaudt's"), located at 719 E 141 St, Glenpool, Oklahoma 74033.

2. Respondent Schaudt's also conducts business as CREMATION CARE CENTERS ("Cremation Care") under a domestic trade name filed with the Oklahoma Secretary of State. Schaudt's address for the domestic trade name filing is 719 East 141<sup>st</sup> Street, Glenpool, Oklahoma 74033.

3. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

### **FACTUAL ALLEGATIONS**

4. On September 26, 2019, another Funeral Home filed a complaint regarding Schaudt's advertising of their Cremation Care Center.

5. Schaudt's Glenpool Funeral Service and Cremation have the same address as Cremation Care Center. They are both located at 719 East 141<sup>st</sup> Street in Glenpool, Oklahoma. Schaudt's operates a website at [schaudtfuneralservice.com](http://schaudtfuneralservice.com). Cremation Care's website is [greencountrycremation.com](http://greencountrycremation.com).

6. Cremation Care does not maintain an establishment license for the location at 719 East 141<sup>st</sup> Street. Cremation Care does have crematory license, 44CM.

7. On September 26, 2019, another Funeral Home filed a complaint with the Board, alleging that Respondents are advertising under a different name than the one that is licensed, in violation of O.A.C. 235:10-7-2(17) and O.A.C. 235:10-15-3 (1) (2), and (4). The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on October 3, 2019.

8. Respondents, by and through their attorney, filed their response with the Board on October 17, 2019. Respondents confirm that they had a “generic ad for cremations in Oklahoma City.” The phrase at issue in the ad is, “Oklahoma City Cremation.” This complaint originates from another Funeral Home, which conducts business under the name Oklahoma City Cremation. Respondents deny any allegation that this ad was intending to pass their business off as Oklahoma City Cremation. Respondents state that “Oklahoma City Cremation” is generic and geographically descriptive. Respondents also received a cease-and-desist letter from Oklahoma City Cremation. In response to this letter, Respondents changed the ad.

9. By public vote during the meeting on September 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

10. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

11. Respondents violated O.A.C. 235:10-7-2(17), by falsely advertising and materially misrepresenting Cremation Care Centers as an online, direct cremation business, open to the public. Under Title 59, Sections 396.12c(A)(4) and (17), engaging in “[f]alse or misleading

advertising as a funeral director” and “[v]iolating [59 O.S. § 396.12(B)] regarding advertisement of services at locations not licensed by the Board” subjects Respondents to discipline. Likewise, the Rules prohibit “[t]he use of false or misleading advertising.” O.A.C. 235:10-7-2(17). Moreover, licensees are required to “be honest and trustworthy in the performance of all duties and work performed . . . and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.” O.A.C. 235:10-7-2(26)(b)(i). Indeed, “[a] licensee shall not provide information he or she knew or should have known was inaccurate, deceitful, or misleading to the Board or a consumer” and “shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud.” O.A.C. 235:10-7-2(26)(d)(v) and (vi).

12. Further, Respondents violated O.A.C. 235:10-15-3 (4) by using “any name other than the name the establishment or individual is licensed as;” in advertising material.

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### **AUTHORIZED PENALTIES**

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability,

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

#### In-Person

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### Videoconference

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### Telephone

1-408-418-9388  
Access Code:  
1260612143

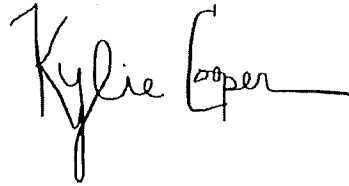
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the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board



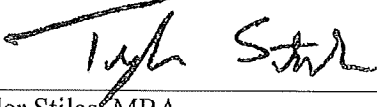
**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as follows:

**BY CERTIFIED MAIL:**

Carter A. Fox  
1515 E. 71<sup>st</sup> St, Suite 200  
Tulsa, OK 74136  
[cfox@law-lsl.com](mailto:cfox@law-lsl.com)

*Attorney for Respondents*

  
\_\_\_\_\_  
Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD**

**IN THE MATTER OF THE COMPLAINT** )  
**AGAINST:** )

**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

**Establishment License Number 1709ES,** )

**Location:** 2420 North Washington )

Enid, OK 73701 )

**Mailing Address:** 2420 N. Washington )

Enid, OK 73701 )

**Owned by:** Amy Stittsworth Funeral Serv. )

& Cremation Directors, Inc., )

Amy Stittsworth, Service Agent )

1314 W. Elm )

Enid, OK 73703 )

**WILLIAM STITTSWORTH, JR.** )

**Licenses:** 2357FD and 2500EM, )

**Address:** 1314 W. Elm )

Enid, OK 73703 , )

**A Licensed Funeral Director and Embalmer,** )

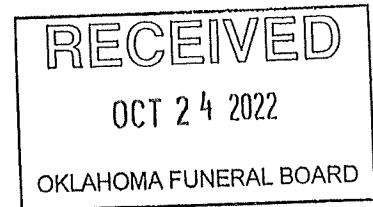
**And Funeral Director in Charge of** )

**AMY STITTSWORTH FUNERAL SERV.** )

**& CREMATION DIRECTORS, INC.** )

Respondents. )

**Complaint No. 20-39**



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. ("FUNERAL HOME") is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. ("STITTSWORTH") is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment's legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On February 25, 2020, the Board received a complaint from Chad Estes of Estes-Phillips Funeral Home in Ada, Oklahoma.

5. Board staff issued a letter of notification on February 28, 2020, requesting that the Respondents submit a response to the complaint, which notice the Respondents received on March 2, 2020. On March 6, 2020, Respondents submitted a response.

7. Respondents argue that no violation has occurred. The advertisement at issue, is for "DFS Memorials," which is a "network of local, family owned and operated

funeral homes and cremation providers who offer lower cost death care alternatives,” according to their ad. In their response, Respondents state that DFS Memorials is “a marketing and lead generation membership scheme,” and “we specifically name the local member funeral home online and the calls go directly to the funeral home.”

8. DFS Memorials advertisements claim that STITTSWORTH FUNERAL HOME has locations in Ada, Broken Arrow, Lawton, and Norman, among others. Finally, Respondents claim they are merely marketing materials, and DFS directly connects them to the consumer.

9. This matter was presented to the Board on April 9, 2020 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

10. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;

2. Oklahoma Administrative Procedures Act (“OAC”) 235:10-7-2(17) prohibits the following types of advertising:

- (17) **False or misleading advertising.** The use of false or misleading advertising or advertising a name other than the name the individual or establishment is licensed as.

3. OAC 235:10-15-3(4) prohibits an advertisement from containing “any name other than the name the establishment or individual is licensed as”.

4. Under OAC 235:10-3-2(2), “[o]nly one establishment license shall be issued to a specific address.” The “STITTSWORTH FUNERAL HOME” at the Ada, Oklahoma, location had not been issued a funeral service establishment license at the times in question. The Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. is licensed at the Enid location, not at the Ada location.

5. Further, the statute mandating the name by which a funeral home may advertise, 59 O.S. § 396.12(B), requires that the funeral home “shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.” Thus, the advertising by Respondents of “STITTSWORTH FUNERAL HOME” in Ada, Oklahoma, constitutes the advertising of establishment names other than names that had been licensed by the Board and is a violation of 59 O.S. § 396.12(B) for which discipline may be imposed under 59 O.S. § 396.12c(5).

5. Respondents’ advertising of an establishment name for a location in Ada, for which location no license has been issued, constitutes a violation of 59 O.S. Section 396.12c(5) by violating 59 O.S. Section 396.12(B) and of 59 O.S. Section 396.12c(8) by violating rules of the Board, including but not limited to OAC 235:10-3-2(2) and (4), 235:10-7-2(17) and OAC 235:10-15-3(4).

6. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. Section 396.12(C). “Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.”

59 O.S. Section 396.2(12). The “ ‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

7. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### **AUTHORIZED PENALTIES**

1. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

2. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

3. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### **NOTICE OF HEARING**

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### **MEETING PLACE:**

#### **In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### **Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### **Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board



**CERTIFICATE OF SERVICE**


I hereby certify that on the 24<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703

  
\_\_\_\_\_  
Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD**

**IN THE MATTER OF THE COMPLAINT** )  
**AGAINST:** )

**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

**Establishment License Number 1709ES,** )  
**Location:** 2420 North Washington )  
Enid, OK 73701 )

**Complaint No. 21-55**

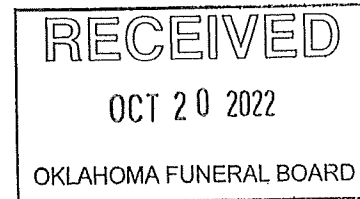
**Mailing Address:** 2420 N. Washington )  
Enid, OK 73701 )

**Owned by: Amy Stittsworth Funeral Serv.** )  
**& Cremation Directors, Inc.,** )  
Amy Stittsworth, Service Agent )  
1314 W. Elm )  
Enid, OK 73703 )

**WILLIAM STITTSWORTH, JR.** )  
**Licenses:** 2357FD and 2500EM, )  
**Address:** 1314 W. Elm )  
Enid, OK 73703 , )

**A Licensed Funeral Director and Embalmer,** )  
**And Funeral Director in Charge of** )  
**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

Respondents. )



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. ("FUNERAL HOME") is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. ("STITTSWORTH") is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment's legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On June 25, 2021, the Board received a complaint from Preston Childress of Trout Funeral Home in Ponca City, Oklahoma.

5. Board staff issued a letter of notification on June 29, 2021, requesting that the Respondents submit a response to the complaint. On July 12, 2021 Respondents submitted a response.

6. Respondents deny advertising a location in Ponca City. They state that when they submitted the obituary in question, it contained their Enid location and did not say

Ponca City. The obituary was posted on a website owned by Consolidated Funeral Services.

7. Respondents also argue that they have third party witnesses who can confirm that the original obituary submitted by them did not include Ponca City and in fact said Enid.

8. This matter was presented to the Board on August 11, 2022 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

9. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;

2. Oklahoma Administrative Procedures Act ("OAC") 235:10-7-2(17) prohibits the following types of advertising:

- (17) **False or misleading advertising.** The use of false or misleading advertising or advertising a name other than the name the individual or establishment is licensed as.

3. OAC 235:10-15-3(4) prohibits an advertisement from containing "any name other than the name the establishment or individual is licensed as".

4. Under OAC 235:10-3-2(2), "[o]nly one establishment license shall be issued to a specific address." The "STITTSWORTH FUNERAL HOME" at the Ponca

City, Oklahoma, location had not been issued a funeral service establishment license at the times in question. The Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. is licensed at the Enid location, not at the Ponca City location.

5. Further, the statute mandating the name by which a funeral home may advertise, 59 O.S. § 396.12(B), requires that the funeral home “shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.” Thus, the advertising by Respondents of “STITTSWORTH FUNERAL HOME” in Ponca City, Oklahoma, constitutes the advertising of establishment names other than names that had been licensed by the Board and is a violation of 59 O.S. § 396.12(B) for which discipline may be imposed under 59 O.S. § 396.12c(5).

6. Respondents’ advertising of an establishment name for a location in Ponca, for which location no license has been issued, constitutes a violation of 59 O.S. Section 396.12c(5) by violating 59 O.S. Section 396.12(B) and of 59 O.S. Section 396.12c(8) by violating rules of the Board, including but not limited to OAC 235:10-3-2(2) and (4), 235:10-7-2(17) and OAC 235:10-15-3(4).

7. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. Section 396.12(C). “Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.”

59 O.S. Section 396.2(12). The “ ‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or

crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

8. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### **AUTHORIZED PENALTIES**

1. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

2. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

3. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

**In-Person**  
Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**  
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

**Telephone**  
1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is written in a cursive, flowing style. The first name "Kylie" is written in a larger, more prominent script, and the last name "Cooper" is written in a smaller, more compact script. The signature is positioned above a horizontal line.

---

Kylie Cooper, OBA # 32758

Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board



**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

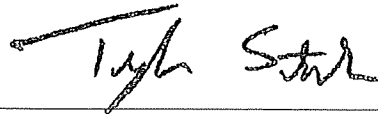
**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703

CRAIG RIFFEL  
3517 W Owen K. Garriott, Suite 1  
Enid, OK 73703\



---

Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT AGAINST:**

**OKLAHOMA CREMATION  
CENTERS**

License: 81CM  
719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

**owned by:**

**SCHAUDT'S FAMILY  
FUNERAL SERVICE, INC.**

719 E. 141<sup>st</sup> Street  
Glenpool, OK 74033

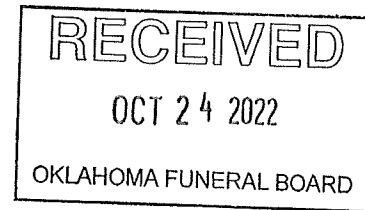
**LANE PILKINGTON**

Licenses: 3528FD and 3891EM,  
Address: 209 South Alabama Ave  
Okmulgee, OK 74447

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**SCHAUDT'S FUNERAL HOME,**

**Complaint No. 23-05**



**Respondents.**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, LANE PILKINGTON, individually and d/b/a SCHAUDT'S FAMILY FUNERAL SERVICE, INC., and d/b/a OKLAHOMA CREMATION CENTERS (collectively, "Respondents"), have violated provisions of the State Funeral Services Licensing Act, 59 O.S. §

395.1 *et seq.* (the “Act”), and Rules of the Board, Oklahoma Administrative Code (“O.A.C.”) Section 235:10-1-1 *et seq.* (the “Rules”), in the manner set forth below:

### **JURISDICTION**

1. Respondents LANE PILKINGTON (“Pilkington”) operate a business, SCHAUDT’S FAMILY FUNERAL SERVICE, INC. (“Schaudt’s”), located at 719 E 141 St, Glenpool, Oklahoma 74033.

2. Respondent Schaudt’s also conducts business as OKLAHOMA CREMATION CENTERS (“Cremation Center”). This Cremation Center is owned by Schaudt’s. Cremation Center is located at 719 East 141<sup>st</sup> Street, Glenpool, Oklahoma 74033.

3. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

### **FACTUAL ALLEGATIONS**

4. On August 9, 2022, the Board received a complaint from Lisa Moser. Ms. Moser’s brother, James Gaskill, is the decedent. Ms. Moser made his arrangements and contacted Oklahoma Cremation Center. During this first contact, Ms. Moser states she confirmed that it would be “completely fine to pick up his remains.” She filled out a form on their website, paid by credit card, and waited as instructed. Upon filling out the forms on Cremation Center’s website, she noticed the only options available were to either deliver her brother’s cremated remains to his service or have them mailed to her directly.

5. When trying to figure out whether Ms. Moser would be able to pick up the decedent’s remains, she was informed that Cremation Center’s facility was “closed to the public,” and that she would have to meet an employee in a parking lot to receive her brother’s cremated remains.

Upon notification that his cremated remains were ready, Cremation Center called Ms. Moser and arranged for her to pick up the ashes in the visitor parking lot of the state Capitol building.

6. Ms. Moser did not receive a General Price List from Oklahoma Cremation Centers. She did not receive a certified death certificate.

7. Schaudt's Glenpool Funeral Service and Cremation have the same address as Cremation Care Center. They are both located at 719 East 141<sup>st</sup> Street in Glenpool, Oklahoma. Schaudt's operates a website at [schaudtfuneralservice.com](http://schaudtfuneralservice.com). Cremation Care's website is [greencountrycremation.com](http://greencountrycremation.com).

8. Cremation Care does not maintain an establishment license for the location at 719 East 141<sup>st</sup> Street.

9. Schaudt's Family Funeral Service, Inc. is located at 719 E. 141<sup>st</sup> Street in Glenpool, Oklahoma. Oklahoma Cremation Centers is also located at this address. Oklahoma Cremation Centers does not have an establishment license. They do have a crematory license, 81CM.

10. The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on or about August 15, 2022.

11. Respondents, by and through their attorney, filed their response with the Board on August 18, 2022. Respondents claim that Ms. Moser did receive a General Price List. They also argue that even if she did not receive it, there's no harm they were never required to give her one at all. Respondents argue that because Ms. Moser conducted business with them online and over the phone, "no face-to-face meeting occurred in this instance," and the "triggering event for giving out the GPL" is a face-to-face meeting, they complied with the FTC rules.

12. By public vote during the meeting on September 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

13. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

14. Respondents violated 59 O.S. § 396.12(A), (B), and (C), by “holding forth by word or act that the person is engaged in the profession of undertaking or funeral directing shall be deemed as a funeral establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act.” Further, “a funeral establishment... shall advertise itself by the name that the establishment is licensed as.” Respondents are operating a website, oklahomacremationcenters.com, for their Cremation Care Center, while alleging that it is a trade name owned by Schaudt’s. Cremation Care Center simultaneously argues that they do not need to obtain anything more than a crematory license, because they operate under licenses held by Schaudt’s.

15. Respondents violated O.A.C. 235:10-7-2(17), (26)(b)(i), (26)(d)(v), and (26)(d)(vi), by falsely advertising and materially misrepresenting Oklahoma Cremation Centers as an online, direct cremation business, open to the public. Under Title 59, Sections 396.12c(A)(4) and (17), engaging in “[f]alse or misleading advertising as a funeral director” and “[v]iolating [59 O.S. § 396.12(B)] regarding advertisement of services at locations not licensed by the Board” subjects Respondents to discipline. Likewise, the Rules prohibit “[t]he use of false or misleading advertising.” O.A.C. 235:10-7-2(17). Moreover, licensees are required to “be honest and trustworthy in the performance of all duties and work performed . . . and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.” O.A.C. 235:10-7-2(26)(b)(i). Indeed, “[a] licensee shall not provide information he or she knew or should have known was inaccurate, deceitful, or misleading to the Board or a consumer” and “shall not

engage in any activity that constitutes dishonesty, misrepresentation, or fraud.” O.A.C. 235:10-7-2(26)(d)(v) and (vi).

16. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### AUTHORIZED PENALTIES

17. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

18. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

19. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

#### In-Person

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### Videoconference

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### Telephone

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

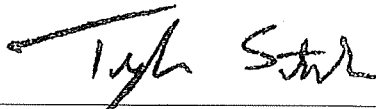
**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as follows:

**BY CERTIFIED MAIL:**

Carter A. Fox  
1515 E. 71<sup>st</sup> St, Suite 200  
Tulsa, OK 74136  
[cfox@law-lsl.com](mailto:cfox@law-lsl.com)

*Attorney for Respondents*

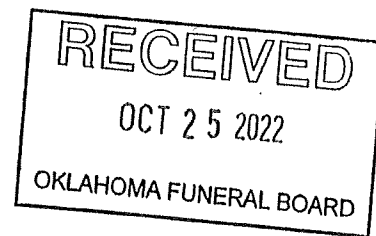
A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director





# The Stumpff Corporation



October 24, 2022

To: Tyler Styles  
[tyler.stiles@funeral.ok.gov](mailto:tyler.stiles@funeral.ok.gov)  
Executive Director - Oklahoma Funeral Board

Re: Request for Interpretation of Board Rule 235:10-3-3. Licensing Commercial Embalming Establishments

As permitted per Board Rule 235:10-1-4, I would like to request interpretation of Board Rule OK 235:10-3-3 *Licensing commercial embalming establishments*, and its application thereof.

As the owner of licensed Oklahoma funeral establishments, my role, among others, is to conduct my business within the boundaries set forth by our rules and applicable law. Any ambiguity which exists in either, or with their application, directly effects how I discharge my duties in this role.

Therefore, I am seeking clarification by means of Interpretation of Board Rule, as to whether or not, Board Rule OK 235:10-3-3 grants authority to, or prohibits Commercial Embalming Establishments from providing various services, directly to the consumer, thus bypassing the licensed funeral establishment.

Specifically, does Board Rule OK 235:10-3-3 **(3)** and its application, allow or prohibit Commercial Embalming Establishments to perform the following...

1. Pick up a decedent's clothing or other items from the consumer, other than during the first call?
2. Deliver death certificates directly to the consumer?
3. Allow consumers to pick up death certificates directly at the Commercial Embalming Establishment?
4. Deliver cremated remains directly to the consumer?
5. Allow consumers to pick up cremated remains directly at the Commercial Embalming Establishment?

It is my understanding that the Board's former Executive Director addressed these very issues in a February 2019 letter sent to Commercial Embalming Establishments. However, questions regarding the Rule and its application remain.

In the official letter, Commercial Embalming Establishments were admonished for bypassing the licensed funeral establishments by providing various services directly



to the general public in violation of Board rule. However, there seems to be a good amount of ambiguity in the Board's current application of this rule so clarification by interpretation is, in my opinion, warranted.

It is my hope that a formal interpretation of Board Rule 235:10-3-3 will resolve any lingering ambiguity and clarify this Rule for all concerned parties.

Respectfully,

A handwritten signature in black ink, appearing to read "David Stumpff", written in a cursive style.

David Stumpff  
The Stumpff Corporation  
9120 S Toledo Ave.  
Tulsa, OK 74137